



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4598-02
7 October 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member in the Naval Reserve filed an application with this Board requesting that his record be corrected by crediting him with an additional four retirement points in the anniversary year ending 18 October 1987.

2. The Board, consisting of Mr. Brezna, Mr. Kastner and Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 5 November 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Naval Reserve on 19 October 1986, with about two years of broken service and has served continuously since then. At the time of reenlistment, he had completed about five years of Naval Reserve service on two prior enlistments. At the end of the anniversary year ending on 18 October 1987 he was credited with 47 of the 50 points required for a qualifying year for retirement. In the next three anniversary years, he was only credited with 15 membership points. In the anniversary year ending 18 October 1991, he was credited with 24 retirement points. Since then, he has earned 10

consecutive qualifying years. Therefore, as of 18 October 2001, he has 15 years and 2 days of qualifying service for reserve retirement. He indicates in his application that he is currently on extended active duty and apparently will have another qualifying year as of 18 October 2002.

d. Petitioner states that in the first year after he reenlisted on 19 October 1986, administrative errors were made and he was not credited with four paid drills. Because of this and other administrative problems, he became disgusted and transferred to the Individual Ready Reserve. He has attempted to resolve this issue but has been informed that the records have been lost or destroyed. He thought that he could makeup that year in the future, but is concerned that since he has over 20 years of total service, high year tenure (HYT) restrictions for a second class petty officer will force him out of the Naval Reserve.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that although it may have happened as Petitioner contends, there is no documentation to support his contention that he attended the additional drills. However, since Petitioner has a good drill record for the last 11 years and may have a HYT problem, the Board believes that some corrective action is warranted. Therefore, the Board concludes that three retirement points should be transferred from the anniversary year ending on 10 June 1984 into the anniversary year ending 18 October 1987. With this change, the latter year will be qualifying for retirement and, as of 18 October 2002, he will have 17 years and 2 days of qualifying service for retirement.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the change in the number of qualifying years.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by transferring three retirement points from the anniversary year ending 10 June 1984 into the anniversary year ending 18 October 1987.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

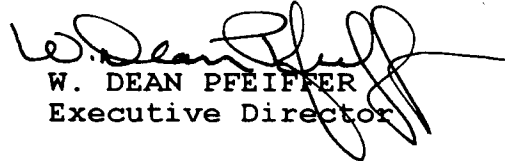
complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director